

# THE ALBERTA MUNICIPAL Counsellor



PUBLISHED BY THE DEPARTMENT OF MUNICIPAL AFFAIRS IN THE INTERESTS OF LOCAL GOVERNMENT

Vol. 13 No. 5

EDMONTON, ALBERTA

August-September, 1968

## ALBERTA HOSTS 1968 CONFERENCE

Ministers  
and  
Deputy Ministers  
of  
Municipal Affairs



Six Ministers of Municipal Affairs, nine Deputy Ministers, and six assistants, represent every province except Newfoundland on the steps of the terrace at the Macdonald Hotel in Edmonton, July 21, opening day of the 1968 Conference of Ministers and Deputy Ministers of Municipal Affairs. (L to R) Front Row: Hon. R. Lussier, Quebec; Hon. C. L. B. Estey, Saskatchewan; Hon. H. E. Strom, Alberta; Hon. T. Forbes, Manitoba; Hon. E. H. Gerhart, (Attorney-General) Alberta; Hon. B. F. Nadeau, New Brunswick; Hon. W. D. McKeough, Ontario. Second Row: Mr. J. L. Doucet, Quebec; Mr. W. H. Palmer, Ontario; Mr. A. J. Hiscock, Prince Edward Island; Mr. A. W. Morrison, Alberta; Mr. C. H. Chappell, Manitoba; Mr. J. E. Brown, British Columbia; Mr. Yves Poisson, Quebec. Back Row: Mr. L. L. Hurst, Alberta; Mr. E. A. Walters, Saskatchewan; Mr. E. G. Allen, New Brunswick; Mr. W. E. Moseley, Nova Scotia; Mr. R. Russell, Ontario; Mr. I. Dods, British Columbia and Mr. A. N. Dunne, Ontario.

### New Brunswick in August, 1969

Delegates accepted New Brunswick's offer to host the 1969 conference. The Hon. B. Fernand Nadeau of New Brunswick announced that delegates in 1969 can expect to be out of their own province for five or six days in order to attend the sessions his Department will be planning for them. He expects to schedule the conference sometime between August first and fifteenth.

## NINE PROVINCES REPRESENTED

. . . In Edmonton, July 21-23

The 1968 Conference of Ministers and Deputy Ministers of Municipal Affairs was held in Edmonton, July 21, 22 and 23. Every province except Newfoundland was represented. The Hon. H. E. Strom (Municipal Affairs), the Hon. E. H. Gerhart (Attorney General) and Mr. A. W. Morrison, Deputy Minister (Municipal Affairs), were co-chairmen and hosts for Alberta.

### Two Days of Workshops

Conference sessions followed a workshop pattern for two days and dealt with matters of provincial concern in municipal administration. Assessments, property taxes, winter works, public housing, urban renewal, municipal finance and urban and regional development were some of the subjects studied. "Sessions did not deal with provincial policy on problems but rather on how each province handles situations under each subject heading", Mr. Strom said of the conference.

### This Was Fourth Conference

This was the fourth annual conference of its kind. Others have been in Victoria, Quebec and Toronto. "These two-three day conferences are proving to be excellent vehicles for inter-provincial liaison on purely municipal administration subjects" commented the Hon. Dr. Robert Lussier of Quebec.

### prov-mun committee studying ASSESSMENT : TAXATION PROCEDURES

A joint committee of provincial and municipal association officials is studying certain assessment and taxation procedures with a view to uncovering and developing a number of alternate procedures for consideration by the government.

First convened on June 21, 1968 at the suggestion and call of the Hon. E. H. Gerhart when he was Minister of Municipal Affairs, the Committee is continuing its studies with the Hon. H. E. Strom as chairman.

Two meetings have been held and another is scheduled for October 3 in Edmonton.

The study group consists of; Chairman, Hon. H. E. Strom, Hon. E. H. Gerhart, three members of the Department of Municipal Affairs and five members each from the Alberta Urban Municipalities Association and the Alberta Association of Municipal Districts and Coun-

More ASSESSMENT : TAXATION Page Three



# THE SECOND PAGE . . .

Canadian

## Quotes & Phrases



"Our native people, in many cases today, must adapt from the pemmican age to the atomic age in one great leap."

George Prudham  
Canadian Native Friendship Centre  
Edmonton

fertility symbol

### . . . In High Prairie

Toronto has its "Thinker"; Saskatoon the "Tree of Knowledge"; Edmonton its "Flying Geese"; and now High Prairie is blessed with the "Fertility Symbol"—a sheaf of grains symbolic of the rich agricultural area the town is situated in.

Each of the aforementioned symbols has one thing in common. When first it was looked upon the viewer didn't know what it was, thus becoming a great conversation piece.

... We wouldn't doubt ... High Prairie's symbol will attain its proper place in becoming one of the wonders of the Peace River Country and something everyone should see when they travel to High Prairie. ● High Prairie South Peace News, Aug. 28.

The following item appeared recently in a rural Alberta weekly: (and we are sure a gremlin got into the editor's typewriter).

"Due to pressure of demands from his private business interests, councillor ..... resigned from town council the other day. When he resigned, he had one uninspired year remaining of his planned three-year term on council."

## Pay Up, Or Else

A new Delhi lawyer provides a lesson in brief punchy prose, in the following letter written on behalf of a client: "Unless you pay the rupees you owe within seven days, we shall take steps as will cause you the utmost damned astonishment?" ● Manitoba Co-operator

## What Does A.M.A.A. Mean?

To a practicing Assessor, the letters A, M, A, A, meansomething particularly significant. They represent many years of work assessing in the field while generally knowing the only reward would be an inner satisfaction that the job was being completed to the best of his ability. Words of praise to an assessor are like Napoleon brandy -- very heady and very, very rare. The letters also represent many long hours of study, concentration and anxiety while again knowing the only reward would be an inner satisfaction that he understands his position a little better and will thus be able to assess more confidently, competently and efficiently.

If an assessor has done all these things and then achieved recognition as an Accredited Municipal Assessor of Alberta, he should let other people know about it. When he writes a letter, particularly to a municipal body, he should put those letters behind his name. Sure they'll ask him "what in the world does A, M, A, A. mean?" Then he can tell them he is an Accredited Municipal Assessor of Alberta. They are not going to find out any other way. An Assessor should let some of his inner satisfaction come out into the open air.

- Paraphrased from The Assessor's Forum

Medicine Hat's planned 49 acre downtown urban renewal scheme features a civic centre complex containing a new city hall, indoor swimming pool, arena, performing arts theatre and professional building as well as a shopping centre, parking area and pedestrian mall.

Projected population by 1986 for Medicine Hat is 53,800.

# PAGE . . .

---

## THE CHANGING SCENE

- COUNTIES

Red Deer . . . . . Secretary-Treasurer . . . . . James C. Masson

## • TOWNS

Lodgepole . . . . Secretary-Treasurer . . . Mrs. B.E. Erickson  
Mayerthorpe . . . . Secretary-Treasurer . . . R.E. Ryan  
Mundare . . . . Secretary-Treasurer . . . C. Sachkiw  
Rainbow Lake . . . Chr., Bd. of Administrators . . D.F. Edgar

. . . . . 10363-108 St., Edmonton

- VILLAGES

Cayley . . . . .	Secretary-Treasurer . . . . .	Mrs. S. A. Lyon
Edmonton Beach S. V. . . . .	Mayor . . . . .	F. F. Waters
		10957-132 St., Edmonton
Entwistle . . . . .	Secretary-Treasurer . . . . .	Mrs. A. Burke
Itaska Beach S. V. . . . .	Mayor . . . . .	D. C. Murray
		85 Fairview Dr., Edmonton
Rosalind . . . . .	Secretary-Treasurer . . . . .	Mrs. M. King
Warburg . . . . .	Mayor . . . . .	M. E. Bradford
Yellowstone S. V. . . . .	Secretary-Treasurer . . . . .	W. T. Tate
		7703-75A Ave., Edmonton
Youngstown . . . . .	Mayor . . . . .	T. R. Luckhan

Of Canada's population, 15 years and over, in 1966, 78.2 percent of the single females and 70.3 percent of the single males lived in urban areas.

## NUFFIELD FELLOWSHIP HONORS ALBERTA PLANNER

The City of Edmonton's Senior Planner is one of three Canadians, and the only civic official in Canada, to be honored with the Nuffield Foundation Travelling Fellowship this year.

As a result of the Fellowship, Walter Walchuk will conduct research in Britain from January through July, 1969. The Fellowship will cover travelling and living expenses for that period of time.

Mr. Walchuk plans to research various methods of planning being implemented in England. Specifically, he will be studying the application of computer systems to city planning and land development policy and the property tax. Upon his return, Mr. Walchuk will write a report based on his findings.

The Nuffield Fellowship is administered yearly to three Canadian public officials, one from each the federal, provincial and municipal governments, by the Association of Universities and Colleges of Canada.

The Fellowship is provided to enable public administrators to spend a period of time in the United Kingdom, either in study, observation or inquiry, with the object of improving their usefulness in that field of public administration.

It is awarded by the trustees of the Foundation to men or women "of high quality, who have already shown capacity of an unusual order, and who are recommended by the Head of the Department in which they are serving."

Mr. Walchuk began working with the City of Edmonton in 1962 while still a student at the University of Alberta. He was Assistant Planner from 1964 to 1965, and since that time has filled the position of Senior Planner.

He holds a Bachelor of Commerce degree from the University of Alberta, and a Master of Science degree from the University of Wisconsin in Urban Affairs.

Mr. Walchuk has been involved in various committees and organizations concerned with planning, and was a major contributor to the 170-page General Plan for the City of Edmonton.

Upon completion of the six-month period of research, Mr. Walchuk will return to the City of Edmonton Planning Department.

THE ALBERTA MUNICIPAL COUNSELLOR  
Authorized as second class mail by the Post Office Department,  
Ottawa, and for payment of postage in cash.

Published monthly by the Department of Municipal Affairs, Government of Alberta, for better understanding between persons engaged in the various aspects of local government within the Province. Contents may be reprinted without restriction but a credit line is appreciated. Articles and information about the municipal scene are welcomed and the publication will be mailed without charge upon request. Address enquiries to

The Alberta Municipal Counsellor  
Department of Municipal Affairs  
Edmonton, Alberta

## COMING EVENTS

Oct.	
5-9 . . . . .	Community Planning Association of Canada National Planning Conference. . . . . Victoria
15 . . . . .	Association of Summer Villages 10th Annual Meeting . . . . . Edmonton
16 . . . . .	Polling Day for urban elections (municipal, school and hospital)
30 . . . . .	Municipal Finance Officers (Alberta Chapter) Convention . . . . . Medicine Hat
29-Nov. 1	AUMA 62nd Annual Convention . . . . . Lethbridge
Nov.	
2 . . . . .	Nomination Day in rural municipalities
3-6 . . . . .	ASTA Annual Convention . . . . . Calgary
8 . . . . .	Southern Zone Emergency Government Headquarters Exercise "Shakedown V". . . . . Olds
11 . . . . .	Remembrance Day
13-15 . . .	AHA Annual Convention. . . . . Edmonton
19-22 . . .	AA of MD's and Counties 60th Annual Convention. . . . . Calgary
27-28-29 .	Civil Service Association of Alberta Convention . . . . . Calgary
30 . . . . .	Polling Day for rural elections

## CALGARY CITY PLANNER AL MARTIN DIES

Al Martin, Calgary's City Planner for 15 years, died in an automobile accident, Sunday, September 8.

Expressing profound shock at Mr. Martin's death, Mayor Jack Leslie of Calgary paid tribute to "a friend to everyone in City Hall, and one of the most prominent Calgarians."

Said the mayors "To my knowledge, he was the man most responsible for the planning of the future of Calgary. He served as planner during the period of Calgary's greatest growth. Many of the projects which we are now benefiting from were done under his direction."

Mr. Martin's contributions to the city included his work on the master development plan and his keen interest in revitalizing Calgary's downtown core.

"The City of Calgary has lost a most valuable public employee and public servant, and I know all Calgarians join with me in extending sympathy to Mrs. Martin and family at the loss of this outstanding citizen of Calgary," Mayor Leslie said.

Al Martin was born in the village of Southey, Saskatchewan in 1914, where his first chores consisted of feeding chickens and milking cows.

He showed an early talent for translating his experiences into three-dimensional models, winning prizes for his scale model conceptions of animals and well-laid-out farms.

When he graduated from normal school in 1933, he began teaching in one-room schools in Saskatchewan's farm belt and read books on town planning merely as a diversion.

Mr. Martin left the classroom for a time to manage the family farm and then the Second World War intervened. He joined the RCAF, assigned to radar first and later posted to signals and intelligence.

After a hitch in the North African, Mediterranean and Italian campaigns, he was sent back to England. There, as the war drew to an end, Mr. Martin developed an interest in the hold reconstruction plans for Britain's blitzed cities.

In Canada, there were no blitzed cities to rebuild but Mr. Martin became interested in the job of counter-attacking the blight which reduces attractive commercial and residential districts to slums. He also saw the challenge of combatting topsy-turvy growth patterns.

When his discharge came, Mr. Martin and the girl he married in November, 1944, settled in Canada. He enrolled at the University of Manitoba as a student architect.

Later, Mr. Martin worked for the Manitoba department of public works, the city engineer's office at Regina and with the provincial department of architecture in Winnipeg.

An extra year's study for master of architecture in community planning won him a position in Calgary in 1950.

Mr. Martin began as head of the planning division, engineering department, and in 1953 was placed in charge of planning when it became a separate department. ● Calgary Herald

## SECRETARY'S CALENDAR



OCTOBER	1	2	3	4	5
6	7	8	9	10	11
12	13	14	15	16	17
18	19	20	21	22	23
24	25	26	27	28	29
30					

### Municipal Government Act

Treasurer shall submit to council monthly, or at such other interval as the council may prescribe, a correct statement of the monies standing to the credit or debit of the municipality. Sec. 58.

The organizational meeting of the council in a city, town or village to be held no later than October 30. Sec. 37.

Oath of office of every member of a city, town or village council, is to be made and taken no later than October 30. Sec. 39.

Appointments: Deputy Mayor: Sec. 38

Committees: Sec. 43

Council Meetings: Day, hour and place of regular council meetings may be set. Sec. 40.

### Municipal Election Act

Enumerators shall be appointed to complete an enumeration of electors residing in each polling division or electoral division in which a vote is required. Sec. 42.

The final list of electors to be prepared not later than one week before polling day. Sec. 44.

Post list of electors and publish notice of completion of the list for two consecutive weeks in a newspaper having general circulation. Sec. 45.

Addition of names to the list of electors to the fourth day before polling day. Sec. 46.

Oct. 16 . . . Polling day in a city, town or village. Sec. 19.

Oct. 26 . . . Notice of nomination meeting by the returning officer on or before this day for a M.D. or a County. Sec. 53.

Oct. 30 . . . Village councillors elect one of their number to be mayor no later than this date. Sec. 6.

Nov. 2 . . . Nomination day in a M.D. or a County. Sec. 51.

### Municipal Taxation Act

Oct. 31 . . . Assessor shall submit his assessment to the secretary-treasurer on or before this date. Sec's. 26 and 27.

Publication and posting the preparation of assessment roll and mailing of assessment notices to be done after assessor's final return and not later than January 1st. Sec's. 30, 32 and 34.

### CORRECTION

#### New Legislation • Alberta Housing Act • 1968

Vol. 13 No. 4, June-July, 1968 issue of the Alberta Municipal COUNSELLOR should be corrected on page 2, column 1, under "New Legislation" by deleting the sub-para (c) description of major changes in the Alberta Housing Act, 1968, and substituting therefor a new sub-para (c) as follows:

(c) A by-law raising money for public housing is to be treated as an ordinary money by-law requiring advertising in the usual way.

*(We are indebted to Calgary City Solicitor, Jay Salmon, for drawing this error to our attention.)*

### ASSESSMENT : TAXATION

(Continued from Page One)

ties. The Association of Summer Villages has a representative in the AUMA group.

The committee has been asked to study factors for use in defining such things as farm buildings (excluding farm dwellings), a farm dwelling, a summer cottage and a farm or a bona fide farmer. Mr. Gerhart explained that these questions were referred to the Committee because the government had agreed in the last session of the legislature, not to proceed with any legislation in these matters until they had been studied with the municipal associations.

The study group is also examining procedures that may be employed in determining the taxable assessment of summer cottages, and, in addition, dwellings owned by old age pensioners in all municipalities in order to assist the government with advice needed to comply with a resolution of the sixteenth legislature adopted in March of this year. ●



# THE ROLE OF THE OMBUDSMAN

By George B. McClellan

First of two parts of an Address given by Canada's first Ombudsman on the occasion of the 1968 Conference of I.D. Advisory Committeemen

A short time ago a journalist put this question to me. "Surely the necessity for an Ombudsman is a clear admission of government failure to correct injustices to the citizen, and the failure of the administrators of government departments to deal properly with complaints when they are received."

## First Ombudsman 159 Years Ago

In my view it does not necessarily follow that the appointment of an Ombudsman is an admission of failure. For instance, Sweden appointed one in 1809 and he has been actively employed ever since. I do not think for one moment that Sweden would admit that every one of its governments since 1809 had been a failure.

The Ombudsman in Sweden was appointed to meet situations peculiar to that country at that time, but I am satisfied that the tremendous interest which has been generated in the office of the Ombudsman in recent years has its source in conditions peculiar to the age in which we live.

## There is a Constant Search for Administrative Justice

History shows us that in the evolution of democratic government and a democratic society, there has been a constant search for administrative justice. Sometimes this search had its source from within the government or the parliamentary institution of the country concerned. At other times it was brought about by pressures and recommendations made to governments by outside bodies. The legal profession in most countries has been in the forefront when petitions have been presented to government urging reforms and improvements in administrative justice.

## There are Eight National Ombudsmen

That the installation of the office of Ombudsman other than in Sweden is a phenomenon of recent years is evidenced by the fact that in 1955 only three countries, Sweden, Finland and Denmark, had an Ombudsman system. Two more countries were added in 1962, namely Norway and New Zealand. Since that time the United Kingdom, Guyana and Mauritius have established the office of Ombudsman, West Germany has appointed a military ombudsman and in our own country, three political parties, none of them in power federally, have put forward proposals for a Federal Ombudsman. The Glassco Commission Report in 1963 approved the idea of Ombudsman in these words:

"Your commissioners have also noted the growing interest throughout other parliamentary countries in the office of parliamentary commissioner, modelled, with variations, on the long-established Swedish Ombudsman. The notable success with which this office has been adapted to the needs of the Parliament of Denmark, the recent report by a group of eminent jurists in the United Kingdom, the enactment of legislation to establish a Parliamentary Commissioner in New Zealand, and the creation of machinery for a similar purpose in the United States, all suggest that the Parliament of Canada may find here a means of bettering its defence against administrative defects in the public service".

Much discussion ensued within the Canadian Parliament and outside, including addresses by parliamentarians who were completely in favour of the establishment of an Ombudsman, and others who favoured the idea in principle, but had reservations regarding its adaptation to Canadian conditions. One of the strongest proponents of the establishment of the Ombudsman system in Canada, is Professor Donald C. Rowat, Chairman of the Department of Political Science, Carleton University, Ottawa. Professor Rowat has made intensive studies of the operation of the Ombudsman in various countries and has undoubtedly written the most authoritative works in Canada on the subject.

In 1965 the Parliamentary Standing Committee on Privileges and Elections, with one dissenting vote, agreed to report to the House of Commons as follows:

"After due consideration the Committee recommends that the Government consider the establishment of an office, like that of an Ombudsman, for the purpose of investigating and reporting on administrative acts of the Government of Canada complained of by members of the public.

The Committee recommends also that the Government of Canada should take an early opportunity to urge the establishment of a similar institution by each of the provinces, for scrutinizing in the same way administrative action under provincial jurisdiction."

As we shall later see, the Provinces in fact have taken the initiative away from the Federal Government without the urging suggested.

## Federal Study Forecast in 1965 Became Still-Born

However, in the speech from the Throne at the opening of Parliament in April, 1965, the Governor-General read from the report as follows:

"My Government will appoint a Royal Commission to study the status, form and procedures of adjudicative and regulatory bodies to investigate the desirability of instituting a parliamentary commissioner or Ombudsman for Canada."

Thus far no government bill has been placed before the House of Commons recommending the establishment of a position or position similar to that of the Ombudsman, and no report has yet been made public regarding the proposed study which was announced in 1965

## Intensive Study in Five Provinces

However, a number of provincial governments of Canada have undertaken intensive study of proposals to establish the position of Ombudsman in their provinces under various names. Among these are Quebec, Saskatchewan, Manitoba, British Columbia, Alberta, New Brunswick and Nova Scotia.

The views and the conclusions reached in the various provinces have varied from approval to a negative attitude, and I do not feel I should take the time here to outline the positions taken in each of the provinces who have considered the subject. Suffice it to say the Alberta, New Brunswick and Manitoba have been the most active in their considerations of the desirability of such a position.

## Alberta's Ombudsman - First on North American Continent

As we now know, to Alberta goes the laurel for having established the first office of Ombudsman in any Federal, Provincial or State Legislature on the North American continent, and your speaker assumed office as Ombudsman for the Province of Alberta on September 1, 1967. New Brunswick became the second Province to pass legislation establishing the office of Ombudsman not long after Alberta. New Brunswick's, first Ombudsman, Dr. W. T. Ross Flemington, was appointed in October of the same year. I have no doubt that the other provinces in Canada will follow suit in the near future and I think that it is a healthy sign of public interest in the rights of the individual in this country, that apart from New Zealand, no country outside of the Scandinavian countries, has paid as much attention to the Ombudsman as has Canada.

## Interest Has Now Developed in the U.S.A.

There has now developed a very great interest in proposals for an Ombudsman or Ombudmen at Federal and State levels in the United States. The plan has been adopted in Hawaii, but I do not yet have full details as to just how it operates in that State. There are also officials performing something of the functions of Ombudsman on county and municipal level in a number of the United States. Albertans may, in my view, take justifiable pride in the fact that their province was the first major legislative body on the North American continent to found the office of Ombudsman, a position which is now becoming more and more accepted as a necessity in our modern life by those countries which adhere to a belief in the rights of the individual citizen.

As I said earlier, I believe that the rapidly expanding interest in the establishment of the position of Ombudsman, and the inescapable conclusion that the position is to become part of our democratic form of government in more and more countries, provinces and states has been brought about by the expanding functions of government and the impingement of government administration on the personal life of the individual citizen.

## Ombudsman a Concomitant of the Welfare State

It is significant, in my view, that the office of Ombudsman has been created and developed first in those countries which have made the most progress towards what we call the welfare state -- first the Scandinavian countries, then New Zealand, then Britain, now Canada.

What is there about the so-called welfare state which seems to call for a position of Ombudsman or Commissioner of the Legislature or Commissioner of Parliament, or by whatever other name he is known?

I suggest to you, that broadly speaking, the history of the welfare state has been the gradual but accelerating progress of the government in assuming more and more responsibility for providing those measures of security, health, welfare, old age care, child care and



## ... ABOUT THE AUTHOR

GEORGE B. McCLELLAN, Provincial Ombudsman, was born in Moose Jaw, August 13, 1908. Early education was in Moose Jaw and North Vancouver. Later he graduated from both our Royal Military and National Defence Colleges in Kingston in addition to the first Canadian Police College.



After a time in his early years as editor of a weekly newspaper in Quebec Province, Mr. McClellan returned to Vancouver and joined the Royal Canadian Mounted Police in 1932.

Mr. McClellan saw duty in Saskatchewan, Alberta, Nova Scotia, British Columbia, Ontario, and of course, Ottawa, during the many postings of his 35-year police career.

Security and Intelligence figured largely in his work from 1930 until 1953. He had been the Commissioner of the Royal Canadian Mounted Police Force for four years when he retired on August 15, 1967.

Mr. McClellan is North America's first Ombudsman since he took up his appointment for the Legislature of the Province of Alberta in Edmonton, September 1, 1967.

Ombudsman McClellan is married to the former Betty Austin of Wetaskiwin and Edmonton. The McClellans have three daughters; one is in training at the Civic Hospital, Ottawa and two are completing their education in Edmonton.

Mr. McClellan's office in Edmonton is at 920 Centennial Building.

welfare for the poor, for which the head of the family, or the local community, was at one time responsible.

Additionally, governments have deemed it necessary to legislate for controls of business practices, labour relations, supply of credit and money, housing, control of traffic and licensing of vehicles of all descriptions, control of air transportation, fuel and other forms of energy, the marketing of agricultural products, education at all levels, to a point where there is hardly any field of business, manual labour, or other occupation; in which the average person finds himself engaged where he is not subject to numerous forms of government control.

In short, what man provided for himself and for his family not too many years ago, is now provided by government in one form or another, and the trend appears to be an acceleration in public welfare programs, and increasing government supervision of the operation of industry and our general economy. The citizen is no longer required to provide only for the welfare of his own family; he is obliged by taxation, to provide for the welfare of others less fortunate.

If you will note the countries which first moved towards a status of welfare state, you will find that almost in succession the Ombudsman appeared in those countries in the order in which they adopted welfare procedures.

#### A New Development in Our System of Government

Such a situation, I believe, does much to answer the question which was put to me by the newspaper man, and which I referred to at the beginning of my address. May I repeat it?

"Surely the necessity for an Ombudsman is a clear admission of government failure to correct injustices to the citizen, and the failure of the administrators of government departments to deal properly with complaints when they are received."

I am satisfied that the establishment of an Ombudsman or the Ombudsman system does not by any means necessarily mean a failure of government. In my view it means that a new development of the system of government, and the increasing responsibilities assumed by government for things which used to be the prerogative of the individual citizen, has brought about the necessity for an Ombudsman.

#### Man and His Servants in Government are Not Infallible

Why should this be? Man is not infallible. He is quite capable of passing and often enough does pass defective legislation. Stemming from that legislation, and without the remedial benefit of open debate in a legislative body, cabinets may approve regulations under the legislation and these too can be faulty. Finally, public servants are no more infallible than persons in any other walk of life and may well misinterpret the intent of even good legislation or good regulations in the application of such legislation and such regulations to the general public. Thus, discrimination, injustice and error in the interpretation of fact or law may occur with sometimes serious

effects on the citizen who is on the receiving end.

#### A Watchful Eye for Discrimination or Injustice

It would seem logical that as the operations of government increasingly affect the private lives of citizens, there should be an equal increase in the care that is taken to make sure that such interventions into the lives of the citizens of the state is carried out with caution and with a watchful eye for discrimination or injustice.

#### Another Factor: Increasing Need for Delegation of Authority Within the Public Service

However, at this stage another factor enters into the problem. Population is on the increase at an alarming rate. Government has more and more people every year to deal with and time to sit back and thoroughly consider decisions, has become less and less available to even the most conscientious public servant.

As population increases, as legislation increases, the departments of government increase in size and inevitable departmental heads find it necessary to delegate more and more decision-making authority to their subordinates, who in turn, as their own burden increases, must delegate more and more decision-making authority to lower levels.

Therefore, decisions affecting the welfare of many citizens are being made at a comparatively junior level, and I should at this point like to make it very clear that the senior officials of government departments, even with the best of intentions, and believe me the great majority of them are conscientious, devoted public servants, cannot possibly personally supervise or even know, all of the activities being carried out by their subordinates in their respective branches.

Government officials make mistakes. The overwhelming majority of such mistakes are mistakes of judgment or misunderstanding and do not stem from malice. Nonetheless, the effect upon the citizen is an injustice and in this age it may affect his liberty, his property, his health and indeed his means to provide for his family.

#### AVENUES OF APPEAL

##### First Line of Recourse - The Offending Department

What then is his recourse? He can complain to the department, and I am not singling out any particular government in this portion of my remarks. He may be annoyed and write a fairly strong letter. Indeed, his language may well be profane as is the case in numerous complaints crossing my desk. His complaint usually reaches the desk of the public servant who made the original decision and who, being a normal human being, gets his dander up, digs in his heels, takes a firm position, and reiterates his former decision. Thus we have an impasse.

##### Second Line of Recourse - The Elected Representatives

If the complainant then attempts to go higher to the Deputy Minister, Minister or his Member of the Legislative Assembly, the complaint may well be sent back down the line for an explanation and the explanation will come back from the same public servant who made the original decision, so you're right back where you started from.

##### Another Line of Recourse - The Courts

There may be other avenues of appeal open to him and mistakes are possible, even at these levels. If the courts are available to him for redress, let us not forget that litigation is an expensive business. The Common Law Vis a Vis the Modern Executive is Sometimes an Unequal Match

On this point Lord Devlin in an article in THE ECONOMIST in 1964 said this: -

"I believe it to be generally recognized that in many of his dealings with the executive the citizen cannot get justice by process of law. The common law has now, I think, no longer the strength to provide any satisfactory solution to the problem of keeping the executive, with all the powers which under modern conditions are needed for the efficient conduct of the realm, under proper control."

In that statement, the eminent Lord Devlin, in far more succinct words than exist in my vocabulary, has put the problem in a nutshell, and I could find no more fitting summation to my views on the requirement for an Ombudsman.

#### NEXT MONTH

### **What Can An Ombudsman Do?**

Next month, the COUNSELLOR publishes the second and last part of Mr. McClellan's address. It deals with "What can an ombudsman do?" and the "Who, What, Where and How for Complainants".

• FOR 1968 . . .

**POPULATION FIGURES**  
**AS ESTABLISHED UNDER THE**  
**MUNICIPALITIES ASSISTANCE ACT**

• CITIES

	POPULATION	
Calgary	354,856	Medicine Hat 25,574
Camrose	8,477	Red Deer 26,730
Drumheller	4,698	Wetaskiwin 6,154
Edmonton	393,563	(Alberta portion of
Grande Prairie	11,605	Lloydminster) 4,303
Lethbridge	37,760	TOTAL 873,720

• TOWNS

Athabasca	1,768	Lodgepole	207
Barrhead	2,718	Magrath	1,220
Bashaw	754	Manning	1,322
Bassano	827	Mayerthorpe	968
Beaver Lodge	1,122	McLennan	1,144
Black Diamond	878	Milk River	861
Blairmore	1,791	Morinville	995
Bonnyville	2,322	Mundare	564
Bow Island	1,160	Nanton	940
Brooks	3,517	Okotoks	1,041
Calmar	605	Olds	3,240
Canmore	1,445	Oyen	923
Cardston	2,721	Peace River	5,201
Carstairs	806	Picture Butte	1,013
Castor	1,090	Pincher Creek	3,118
Claresholm	2,949	Ponoka	4,487
Coaldale	2,541	Provost	1,344
Cold Lake	1,257	Rainbow Lake	380
Coleman	1,308	Raymond	1,950
Coronation	1,003	Redcliff	2,141
Daysland	630	Redwater	1,119
Devon	1,283	Rimby	1,502
Didsbury	1,730	Rocky Mountain House	2,713
Drayton Valley	3,326	Sedgewick	760
Eckville	675	Slave Lake	1,716
Edson	3,817	Smoky Lake	893
Elk Point	775	Spirit River	1,136
Fairview	1,931	St. Albert	10,243
Falher	938	Stavely	317
Fort Macleod	2,640	Stettler	4,351
Fort McMurray	4,984	Stony Plain	1,464
Fort Saskatchewan	4,430	St. Paul	3,857
Fox Creek	256	Strathmore	1,025
Gleichen	411	Sundre	805
Grand Centre	1,892	Swan Hills	1,521
Grande Cache	Nil	Sylvan Lake	1,352
Granum	287	Taber	4,603
Grimshaw	1,668	Three Hills	1,452
Hanna	2,633	Tofield	952
Hardisty	626	Trochu	750
High Level	2,006	Two Hills	1,156
High Prairie	2,430	Valleyview	1,827
High River	2,239	Vauxhall	930
Hinton	4,461	Vegreville	3,680
Innisfail	2,531	Vermilion	2,685
Irvine	209	Viking	1,206
Killam	867	Vulcan	1,612
Lac La Biche	1,649	Wainwright	3,867
Lacombe	3,045	Westlock	2,919
Lamont	835	Whitecourt	2,480
Leduc	3,029	TOTAL	188,767

• VILLAGES

Acme	316	Beiseker	404
Airdrie	850	Bellevue	1,174
Alberta Beach S.V.	143	Bentley	643
Alix	636	Berwyn	446
Alliance	291	Betula Beach S.V.	Nil
Amisk	130	Big Valley	378
Andrew	508	Bittern Lake	83
Argentia Beach S.V.	2	Blackfalds	779
Arrowwood	172	Blackie	148
Barons	260	Bon Accord	203
Bawlf	220	Bonnyville Beach S.V.	1

VILLAGES (cont'd)

Botha	130	Itaska Beach S.V.	4
Bowden	611	Kapisiwin	Nil
Boyle	466	Kinuso	376
Breton	447	Kitscoty	356
Bruderheim	284	Lakeview S.V.	4
Burdett	197	Lavoy	118
Carbon	366	Legal	612
Carmangay	270	Linden	210
Caroline	294	Lomond	215
Castle Island S.V.	Nil	Longview	204
Cayley	133	Lougheed	252
Cereal	191	Ma-Me-O Beach S.V.	109
Champion	368	Mannville	683
Chauvin	362	Marwayne	351
Chinook	100	Millet	429
Chipman	188	Milo	143
Clive	239	Minburn	114
Cluny	171	Mirror	420
Clyde	256	Morrin	272
Cochrane	819	Munson	37
Consort	670	Myrnam	457
Coutts	427	Nakamun Park S.V.	2
Cowley	163	Nampa	317
Craigmyle	107	New Norway	213
Cremona	179	New Sarepta	179
Crossfield	596	Nobleford	392
Crystal Springs S.V.	13	Norglenwold S.V.	24
Czar	185	Onaway	378
Delburne	391	Paradise Valley	174
Delia	286	Penhold	356
Derwent	261	Plamondon	202
Dewberry	198	Point Alison S.V.	7
Donalda	263	Poplar Bay S.V.	Nil
Donnelly	260	Radway	158
Duchess	201	Rochon Sands S.V.	2
Eaglesham	242	Rockyford	292
Edberg	167	Rosalind	216
Edgerton	345	Rosemary	210
Edmonton Beach S.V.	42	Ross Haven S.V.	15
Elmira	191	Rumsey	104
Empress	360	Rycroft	577
Entwistle	329	Ryley	469
Evansburg	462	Sandy Beach S.V.	6
Ferintosh	161	Sangudo	322
Foremost	558	Seba Beach S.V.	144
Forestburg	683	Sexsmith	491
Fort Assiniboine	147	Silver Beach S.V.	14
Frank	178	Spruce Grove	667
Gadsby	84	Standard	291
Galahad	174	Stirling	390
Ghost Lake S.V.	Nil	Strome	239
Gibbons	230	Sunset Point S.V.	24
Girouxville	305	Thorhild	426
Glendon	350	Thorsby	600
Glenwood	194	Tilley	254
Golden Days S.V.	8	Torrington	132
Grassview S.V.	Nil	Turner Valley	717
Grassy Lake	209	Val Quentien S.V.	8
Gull Lake S.V.	22	Veteran	264
Hairy Hill	136	Vilna	344
Halkirk	177	Wanham	294
Hay Lakes	185	Warburg	395
Heisler	199	Warner	446
Hill Spring	190	Warspite	119
Hines Creek	428	Waskatenau	283
Holden	503	Wembley	298
Hughenden	245	West Cove S.V.	6
Hussar	214	Wildwood	403
Hythe	497	Willingdon	393
Innisfree	296	Yellowstone S.V.	3
Irma	414	Youngstown	357
Irricana	104	TOTAL	44,900
Island Lake S.V.	9		

• COUNTIES

Grande Prairie #1	8,697	Forty Mile #8	4,104
Vulcan #2	4,330	Beaver #9	6,009
Ponoka #3	8,392	Wetaskiwin #10	8,435
Newell #4	5,898	Barrhead #11	5,467
Warner #5	4,386	Athabasca #12	6,147
Stettler #6	5,640	Smoky Lake #13	4,028
Thorhild #7	4,324	Lacombe #14	8,367



## COUNTIES (cont'd)

## POPULATION

Wheatland #16	5,062	Vermilion River #24	7,910
Mountain View #17	8,656	Leduc #25	10,294
Paintearth #18	3,227	Lethbridge #26	9,506
St. Paul #19	6,710	Minburn #27	5,591
Strathcona #20	16,185	Lac Ste. Anne #28	6,687
Two Hills #21	5,528	Flagstaff #29	5,977
Camrose #22	8,285	Lamont #30	5,872
Red Deer #23	12,943	TOTAL	202,657

## • MUNICIPAL DISTRICTS

Cardston #6	4,259	Wainwright #61	4,454
Pincher Creek #9	2,739	Stony Plain #84	8,846
Taber #14	6,871	Bonnyville #87	10,990
Willow Creek #26	4,317	Sturgeon #90	15,926
Foothills #31	6,455	Westlock #92	7,378
Acadia #34	896	Smoky River #130	3,984
Rocky View #44	8,522	Spirit River #133	1,243
Starland #47	2,535	Peace #135	1,640
Kneehill #48	6,290	Fairview #136	1,745
Provost #52	2,944	TOTAL	102,034

## • IMPROVEMENT DISTRICTS

I.D. #8	266	I.D. #108	629
I.D. #10	1,664	I.D. #109	1,457
I.D. #11	3,792	I.D. #110	472
I.D. #22	472	I.D. #111	365
I.D. #24	645	I.D. #121	309
I.D. #27	132	I.D. #122	424
I.D. #33	32	I.D. #123	86
I.D. #42	2,220	I.D. #124	2,732
I.D. #46	1,651	I.D. #125	3,101
I.D. #50	45	I.D. #126	2,726
I.D. #51	3,572	I.D. #128	1,100
I.D. #58	522	I.D. #129	712
I.D. #65	5,612	I.D. #131	2,079
I.D. #68	108	I.D. #132	2,353
I.D. #69	179	I.D. #134	2,792
I.D. #77	2,022	I.D. #138	3,203
I.D. #78	3,623	I.D. #139	3,379
I.D. #79	490	I.D. #143	1,792
I.D. #80	2,878	I.D. #144	84
I.D. #85	347	I.D. #145	8
I.D. #95	3,202	I.D. #146	852
I.D. #96	560	I.D. #147	3,826
I.D. #97	63	I.D. #148	63
I.D. #101	1,825	I.D. #149	129
I.D. #102	4,926	I.D. #150	231
I.D. #107	1,565	TOTAL	77,317

## • INDIANS

## • SPECIAL AREAS

7,974

(Living on Reserves)  
(1966 DBS Census)

20,189

GRAND TOTAL

1,517,558

## SUMMARY OF 1968 TOTALS

(As Established Under The Municipalities Assistance Act)

10 Cities (Including Alberta portion of Lloydminster ...)	873,720
101 Towns (Not including Banff, Jasper or Waterton) ...	188,767
166 Villages (Including 29 Summer Villages) ...	44,900
Total Urban (74.35%)	1,107,387
29 Counties ...	202,657
19 Municipal Districts ...	102,034
51 Improvement Districts ...	77,317
Total Rural (25.65%)	382,008
Total Urban & Rural (Excl. Native Indian Reserves) ...	1,489,395

Handle and store guns and ammunition properly  
- include safety in your plans

## Quebec Municipalities Plan Library

A municipal reference library and a central service of research and information is to be established for the use of communities across the province, says the Quebec Union of Municipalities. The library, which will take several years to complete, will begin with a complete inventory of all municipal reference volumes available in Quebec, the union reports.



This black bull moose dressed at 806 lbs! Tony Pituskin, assessor for the Department of Municipal Affairs, - the lucky and happy hunter, - displays his trophy in this picture recently discovered by the COUNSELLOR. Tony shot the animal in September, 1966, in the New Fish Creek area, 22 miles north of Valleyview.

PUBLIC HOUSING  
OPENS AT TABER

Taber's first public housing, Alberta's fourth, was officially opened when Rev. J.C. Daisley, Chairman of the town's Public Housing Authority, presented house keys to the first tenants on Thursday, September 19.

The project consists of 10 duplex buildings made up of 14 two-bedroom and 6 four-bedroom units for a total of 20 units.

Mayor Boyle of Taber and Mr. R. Orysiuk, Executive Director, Alberta Housing and Urban Renewal Corporation, were among those who spoke at the opening. Fifteen percent of the \$322,000 cost of the project was contributed by the Province of Alberta through AHURC on a partnership basis with the Government of Canada and the Town of Taber.

MUNICIPAL FINANCE OFFICERS  
MEET OCTOBER 30

... In Medicine Hat

The 1968 Fall Conference of the Municipal Finance Officers Association (Alberta Chapter) will be held in Medicine Hat, October 30.

There will be an election of officers at this year's meeting as H. Arscott, President, H. Ellis, Vice-President, J. Currie, Secretary and E.H. Jansen, Treasurer, all of Calgary, are completing their two-year term.

Membership in the Alberta Chapter has grown from about 24 to 40 in this past year with an appreciable increase in participation from rural municipalities.

CANMORE CORRIDOR  
ARDA TARGET

Experiencing a rising demand for the collection of public lands for recreational use, the Department of Lands & Forests will carry out a research and cost-benefit analysis of planned development for the Canmore Corridor, plus an adjacent portion of the Eastern Rockies Forest Conservation Area. This joint federal-provincial ARDA program was given approval in September by Alberta Agriculture Minister Henry A. Ruste, and Federal Forestry and Rural Development Minister Jean Marchand.

At the present time, applications to acquire public lands for a particular recreational use, for example: motels, ski resorts, dude ranches, summer cottage sites, etc., have been dealt with on an individual basis with little or no correlated planning. This has led to haphazard development. This study will integrate all subregions in these areas and will assist the Department of Lands & Forests in co-ordinating public land use and development throughout the region. The study will also assist municipalities in setting up zoning regulations.

Successful completion of the \$12,800 study will require the cooperation of personnel of the Eastern Rockies Forest Conservation Board; Fish & Wildlife Division; Water Resources Division; Dept. of Highways, Dept. of Lands and Forests; and the Calgary Regional Planning Commission.

Red Deer's two storey Centennial Library has 30,000 books.



MORE SUMMARIES OF . . .

# 1968 LEGISLATION

## • The Local Authorities Pension Act

The definition of a local authority has been amended to include The Alberta Urban Municipalities Association.

Section 5 has been amended to provide that the normal pension payable shall be an annual amount equal to 2% of the average annual salary for the five consecutive years of service during which the salary was the highest. Previously the pension was based on the five consecutive years of pensionable service during which the salary was the highest.

Subsection (2) clause (b) of section 6 has been amended to permit a person, if he so elects; to be paid a deferred pension at the age of 65 years instead of at the age of 60 years.

These amendments were effective as of and from April 1, 1968.

## • The Improvement Districts Act 1965

The definition of a hamlet in section 2(c) has been re-enacted in a different form with exactly the same meaning.

A new section 4a provides that an Indian Reserve is not part of an improvement district for any purpose whatsoever.

Section 35 has been amended to increase the maximum mobile homes license to \$120.00 a year or \$10.00 per month in place of \$90.00 per year or \$7.50 per month.

Section 40 has been amended by deleting subsection (2).

Section 42 has been amended as to subsection (4) clause (a) by deleting the words "either by drilling a well or by the construction of a reservoir."

These amendments were effective as of and from April 25, 1968.

## • The School Act

Among other amendments to The School Act Sections 104, 105 and 106 have been amended to reduce the voting age from 21 to 19 years.

Many sections have been amended to change the references from The City Act, Town and Village Act, etc. to The Municipal Government Act, and The Municipal Election Act.

## • The Small Claims Act

A new Act known as The Small Claims Act provides in section 4 that a magistrate does not have jurisdiction to hear or adjudicate upon a claim by a municipal or school authority for the recovery of taxes, other than taxes imposed in respect of the occupancy of or an interest in land that is itself exempt from taxation.

This Act comes into force July 1, 1968.

## • The Farm Purchase Credit Act 1963

The amendments provide for increasing the interest rates on agreements for sale in sections 21 and 28 from 5% to 7% and in section 22 the interest rate has been increased from 4 1/2% to 6 1/2% where the agreement provides for the payment of the balance of the purchase price to the vendor by the Board.

## • The Expropriation Procedure Act

Section 24 subsections (1) and (2) are amended by deleting the words "of survey." This will mean that the plan to be filed with the clerk or secretary-treasurer will not have to be a plan of survey at the outset.

A new subsection (2a) to section 24 will permit the municipality to include in the notice to the owner, the amount they are prepared to pay as damages for injurious affection so that the notice will indicate the total amount that they are prepared to pay and not just a part of it.

Subsections (3) to (6) of section 25 have been repealed and subsections (3) and (4) substituted therefor. The new subsections require that a certified copy of the by-law authorizing the expropriation together with a plan or survey of the land expropriated or a description of the land to be expropriated that is satisfactory to the Registrar.

Section 26 - has been amended to bring this section in line with the amendments to section 25.

The present section 27 deals only with the case where the claim for injurious affection of land is made following the completion or abandonment of a public work. It does not, however, deal with the case where no public work is intended to be constructed following the expropriation. Section 27 as amended will now cover both cases.

The present section 27 prevents a claim for injurious affection being made unless the required notice is first published. The new subsection (1) overcomes the difficulty and will allow the claim to be

made at any time after the damages are sustained but not later than 2 months after notice of the completion or abandonment of the works.

Section 28 is amended to bring it into line with section 27 as amended.

The amendments to this Act come into force on May 2, 1968.

## • The Irrigation District Act 1968

This Act repeals and replaces The Irrigation Districts Act and most of the special enactments pertaining to irrigation. Apart from consolidating existing legislation, the purpose of the Act is to bring a uniformity of administration and procedures where differences presently exist. This Act came into force on May 2, 1968.

One of the sections which may be of interest is Section 161 which provides that where any parcel vests in the board or a purchase agreement for sale is cancelled, the parcel shall continue to be assessed by the local authority empowered to assess it and any taxes accruing to a local authority shall continue to be charged against the parcel and carried over from year to year without collection until the board has sold the parcel.

## • The Landmen Licensing Act

This is a new Act which provides for the registration and licensing of landmen. The name landman includes a person ordinarily known or referred to right of way buyer, lease agent, petroleum landman etc. It is intended to apply to all persons who are engaged, whether full time or part time, in negotiations for, acquisition of or the giving or offering of advice respecting negotiations for or acquisitions of interests in the surface of land required for laying of pipe lines, the building of highways and roads and any other purpose for which the interest, in the absence of an agreement with the surface owner, may be acquired by expropriation.

Section 3 of this Act provides that this Act does not apply to a member of a municipal council, acting on behalf of a municipality in which he holds office nor to a person employed or engaged by a city, town or village, for or on its behalf, to negotiate for an interest in land required by it within its boundaries. The provisions of this Act also does not apply where negotiations for an interest in land are conducted by correspondence, telephone or telegraph.

## • The Libraries Act

Three new subsections have been added to section 18 to provide that the municipal library board shall consist of not less than five nor more than ten members all of whom shall be appointed by the council from among the residents. The term of office is for three years.

Section 19 which previously provided for a library board of seven of five members, is repealed.

Previously section 20 required that the mayor be a member of the board. This section has been amended to provide that it is not mandatory that the mayor be appointed to the board.

Section 40 is amended to provide representation on the regional board by school district and school division representatives. A new subsection (4) has been added to provide that where a municipality has a population greater than the combined total of the populations of all other municipalities, school districts and school divisions in a regional library district, that municipality is entitled to a majority representation on the board.

## • An Act to Repeal The Grazing Lease Taxation Act, 1960 and The Grazing Lease Taxation Act

Section 1 repeals the two above noted Acts, which provide for a Provincial Tax on Crown owned grazing lease land for (a) 1960 and subsequent years, in the case of Statutes of Alberta 1960, Chapter 38, and (b) pre - 1960 years in the case of Revised Statutes of Alberta 1955, Chapter 134.

Effective January 1, 1970.

Section 2 amends the Municipal Taxation Act by deleting clause 18 of subsection (1) of Section 20. This is consequential of the amendment in Section 1 of this Act and will give municipalities more than a year to assess to the lessee Crown owned grazing lands for the purpose of levying tax in 1970.

Effective November 1, 1968.


A consequential amendment to The Special Areas Act, 1964 deletes clauses (c) and (d) of Section 20. These clauses had the effect of exempting from assessment and taxation by the Special Areas lands in Special Areas acquired by the Minister under Tax Recovery proceedings.

Effective November 1, 1968.

## • The Alberta Hospitals Act

Among other amendments to this Act, Section 30 has been amended by adding a new subsection (3) which provides that the hospital board shall send a copy of the audited financial statement to every contributing municipality.





Digitized by the Internet Archive  
in 2022 with funding from  
Legislative Assembly of Alberta - Alberta Legislature Library